

REMARKS

By this Amendment independent claims 1 and 23 have been amended to better define the inventive apparatus and method, respectively, claim 2 has been amended into independent form and otherwise revised to better define the invention, claims 3-22 have been amended to better define the intended subject matter, and new claims 24 and 25 have been added (they correspond to claims 9 and 21). Entry is requested.

The examiner has rejected claims 1, 3-8, 22 and 23 under 35 U.S.C. 102(b) as being unpatentable over Tanaami et al., he has rejected claims 16-19 under 35 U.S.C. 103(a) as being unpatentable over Tanaami et al., he has rejected claims 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Tanaami et al. in view of Fukuda et al., and he has stated that claims 2 and 9-15 contain allowable subject matter.

By this Amendment claim 2 has been rewritten in independent form, and thus claims 2-22 should be in an immediately allowable condition.

With respect to the examiner's prior art rejection against claims 1 and 23, it is asserted to be without merit. In this regard, Tanaami et al. disclose confocal microscope equipment which provides real time 3-dimensional display by scanning at high speeds in the direction of the optical axis, wherein sliced images of a sample are obtained by scanning the sample surface with a light beam using a confocal scanner having an

objective lens actuator which scans the objective lens in the optical axis direction faster than a one image integrating time when photographing the slice images with an image pickup device or when observing the sliced images direction with the naked eye. However, Tanaami et al. do not use two sensor elements for detecting light of a point on an object being scanned and means for adjusting the accumulation of charges in the two sensor elements during an exposure period in order to enable determination of an altitude coordinate (ZS). Tanaami et al. take multiple exposures every slice image in a position Z1, ... ZN will only finally form an image: From ZN superimposed images the resultant image is obtained.

In the invention there is only one exposure with an exposure period T and there are no different images related to the optical distance.

Further, Tanaami et al. disclose an increased/decreased intensity of the laser beam/sensitivity of the camera along the Z-axis, see column 4, lines 32-52.

This is only to produce a stereoscopic impression, see column 4, lines 52-56, but not to obtain a correlation of the optical distance to reconstruct an altitude coordinate from the object.

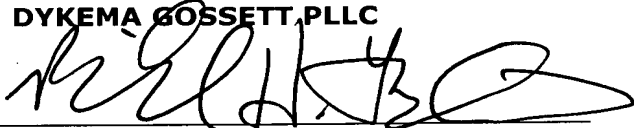
In amended claims 1 and 23 of the present application the correlation with the optical distance is obtained during a single exposure period T, which means one single exposure contains all the height information instead of multiple exposures as in Tanaami et al.

The examiner's rejection of claims 1 and 23 should be withdrawn.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'Richard H. Tushin', written over a horizontal line.

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